

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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GREGORY ATWATER,

Plaintiff,

v.

Case No. 19-cv-1576-bhl

JEFFREY ROLLINS, et al.,

Defendants.

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**DISMISSAL ORDER**

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Plaintiff Gregory Atwater, a Wisconsin state prisoner who is representing himself, filed a complaint under 42 U.S.C. §1983, alleging that the defendants violated his civil rights. Dkt. No. 1. In October 2020, the Court screened the complaint and concluded that Atwater could not proceed with his original complaint. *See* Dkt. No. 9 at 9. The Court also noted that the complaint likely violated Wisconsin's six-year statute of limitations that applied at the time of the alleged events. *Id.* at 10-11.

The Court nevertheless gave Atwater an opportunity to file an amended complaint to cure the deficiencies in the original complaint. *Id.* The Court instructed Atwater to file an amended complaint by the end of the day on November 20, 2020, if he wanted to continue pursuing this case. *Id.* at 11. The Court warned Atwater that if it did not receive an amended complaint by the end of the day, it would dismiss this case on the next business day. *Id.* It also explained that Atwater could voluntarily dismiss the case if he determined that his claims were time barred. *Id.*

Since then, the Court has given Atwater two more extensions of time to file his amended complaint. *See* Dkt. Nos. 11 and 14. In the most recent order, the Court instructed Atwater to file

an amended complaint by February 22, 2021. *Id.* Atwater still has not filed an amended complaint, and more than five months have passed since the screening order. The Court will therefore dismiss this case for failure to diligently prosecute it.

**IT IS ORDERED** that this case is **DISMISSED** without prejudice based on the plaintiff's failure to diligently prosecute it. *See* Civ. L. R. 41 (c) (E.D. Wis.). The clerk's office shall enter judgment accordingly.

Dated at Milwaukee, Wisconsin this 23rd day of February, 2021.

BY THE COURT:

s/ Brett H. Ludwig

Brett H. Ludwig

United States District Judge